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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,532	05/26/2000	Tetsu Fukuda	35.C14514	7650

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EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/05/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/579,532

Applicant(s)

FUKUDA ET AL.

Examiner

Michael W. Hoyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 40-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-54 is/are rejected.
- 7) ☒ Claim(s) 44 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 2/18/04 have been fully considered but they are not persuasive.

Regarding newly added independent claims 40, 45 and 50, the Applicants argue that, "the art of record is not seen to disclose or to suggest at least the feature of a controlled apparatus receiving, from a control apparatus, information about an operation apparatus which is to be used to operate a control panel, and modifying control panel information according to the operation apparatus information before transmitting the control panel information to the control apparatus."

More specifically, with respect to the Ludtke reference, the Applicants argue that they "fail to see anything in Ludtke in which any of the devices represented by the graphical display modify the control panel information according to received operation apparatus information before transmitting the control panel information to the control apparatus." In addition, the Applicants argue that, "it appears as though each device in Ludtke merely transmits the stored device information without any regard as to the functionality of the operation apparatus that is used to control the control panel."

In response, the Examiner respectfully disagrees with the Applicants because the claimed "control apparatus" as met by a television, a television that includes an internal microprocessor, a television coupled to a set-top box, a computer or other appropriate device for displaying a graphical user interface (GUI) or control panel (col. 3, lines 34-37, col. 6, lines 58-61, and col. 7,

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lines 48-61), "transmits information about an operation apparatus which is used to operate the control panel to the controlled apparatus" which is met by another device or system (col. 7, lines 45-47), such as a keyboard 404 and/or mouse 405 if using a computer system (see col. 11, lines 44-46 and Fig. 10), or an infrared remote control if using a television for the display device (see col. 14, lines 40-44), which transmits selection information to the "control apparatus", which sends or forwards the information to a "controlled apparatus" such as a video cassette recorder (VCR), and the claimed, "where, if the operation apparatus information is received, the controlled apparatus modifies the control panel information according to the operation apparatus information before the controlled apparatus transmits the control panel information to the control apparatus" is met by, in one example as disclosed in Ludtke, a user selecting a VCR function, such as "record", by using the "operation apparatus" to make the selection shown on the GUI or control panel, whereby the "control apparatus" sends the selection or control information submitted by the "operation apparatus" to the "controlled apparatus" or VCR, whereby the VCR begins recording and causes update signals to be sent from the VCR 14 to the "control apparatus" or computer system 18 where the counter is updated on the "control panel" that is displayed by the "control apparatus" (see Fig. 9 and col. 11, lines 5-21). Therefore, the Ludtke reference discloses all of the claimed subject matter as described in claims 40, 45 and 50.

Applicant's arguments with respect to the Dunn reference have been considered but are moot in view of the new ground(s) of rejection for newly added dependent claims 42, 47 and 52, which are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke et al (USPN 6,421,069), in view of Humpleman et al (USPN 6,288,716) as described in Section 7 below.

***Drawings***

2. The replacement drawings for Figures 6A, 6B, 8 and 13 were received on 2/18/04. These drawings are acceptable.

***Claim Objections***

3. Claim 44 is objected to because of the following informalities: the “IEEE 194-1995 standard” appears to be a typographical error and should be --1394-1995--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 40-41, 43-46, 48-51 and 53-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Ludtke et al (USPN 6,421,069), cited by the Examiner.

As to claim 40, note the Ludtke et al reference which discloses a control system that includes self-describing information within various devices that are a part of the system. The claimed “control apparatus” is met by a television, a television that includes an internal microprocessor, a television coupled to a set-top box, a computer or other appropriate device for displaying a graphical user interface (GUI) or control panel (col. 3, lines 34-37, col. 6, lines 58-

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61, and col. 7, lines 48-61). The claimed "controlled apparatus" is met by any one of the devices including the video camera 10, video cassette recorder 14, or other devices as shown in Fig. 1 (col. 5, lines 36-39). The claimed controlled apparatus "which transmits control panel information for controlling the controlled apparatus to the control apparatus" is met by the "controlled apparatus" or device sending self-describing information (or controls and/or physical features of the device(s), which are described in the control descriptor section 28 and stored in the ROM 20 of the device) to the "control apparatus" which provides a graphical user interface on the display through which a user is able to control the device (see col. 4, lines 10-16, 22-27 and 48-54; col. 5, line 65 – col. 6, line 29, lines 43-61, and col. 7, lines 1-7 & 42-47). The claimed "control apparatus" as described above, "transmits information about an operation apparatus which is used to operate the control panel to the controlled apparatus" which is met by another device or system (col. 7, lines 45-47), such as a keyboard 404 and/or mouse 405 if using a computer system (see col. 11, lines 44-46 and Fig. 10), or an infrared remote control if using a television for the display device (see col. 14, lines 40-44), which transmits selection information to the "control apparatus", which sends or forwards the information to a "controlled apparatus" such as a video cassette recorder (VCR), and the claimed, "where, if the operation apparatus information is received, the controlled apparatus modifies the control panel information according to the operation apparatus information before the controlled apparatus transmits the control panel information to the control apparatus" is met by, in one example as disclosed in Ludtke, a user selecting a VCR function, such as "record", by using the "operation apparatus" to make the selection shown on the GUI or control panel, whereby the "control apparatus" sends the selection or control information submitted by the "operation apparatus" to the "controlled

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apparatus” or VCR, whereby the VCR begins recording and causes update signals to be sent from the VCR 14 to the “control apparatus” or computer system 18 where the counter is updated on the “control panel” that is displayed by the “control apparatus” (see Fig. 9 and col. 11, lines 5-21).

As to claim 41, the claimed “control panel information comprises icons, each of which are used to control one function of the controlled apparatus” is met by the user obtaining detailed information about the device by selecting the graphical representation or icon of the device, which includes the available control functions (or buttons or icons as displayed in the GUI) of the device (col. 7, lines 48-61; col. 9, lines 30-39 and line 58 – col. 10, line 10).

As to claim 43, the claimed “operation apparatus transmits information corresponding to user instructions to the control apparatus by a wireless transmission” is met by an infrared remote control used with the GUI displayed on the television screen (see col. 14, lines 40-44), which transmits selection information to the “control apparatus” as described above in claim 40.

As to claim 44, the claimed “controlled apparatus transmits the control panel information to the control apparatus using a digital interface conforming to the IEEE 1394-1995 standard” is met by the information being transmitted over the IEEE 1394-1995 serial bus network as described in col. 10, lines 30-36, col. 11, lines 28-35 and line 65 – col. 12, line 1.

As to claims 45-46 and 48-49, the claimed controlled apparatus is rejected based on similar arguments as described in claims 40-41 and 43-44 above.

As to claims 50-51 and 53-54, the claimed method for a controlled apparatus is rejected based on similar arguments as described in claims 40-41 and 43-44 above.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 42, 47 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke et al (USPN 6,421,069), in view of Humpleman et al (USPN 6,288,716), both cited by the Examiner.

As to claim 42, the Ludtke et al reference discloses the “controlled apparatus” modifies the “icons” or GUI controls according to the “control apparatus”, such as a computer system 18 or television 19 (col. 7, lines 48-61), but does not explicitly disclose modifying the “icons” according to the “operation apparatus information”. The Humpleman et al reference teaches a method and system for commanding and controlling diverse home devices (see Abstract as described below), wherein a first home device (similar to the claimed “control apparatus”) capable of displaying user interface data is connected to a home network. A second home device (similar to the claimed “controlled apparatus”) stores user interface data that defines a user interface for commanding and controlling the second home device, also connected to the home network. The first device receives the user interface data from the second device over the network. The first device then displays the user interface as defined by the data. The user interacts with the user interface displayed on the first device by a control device or remote control (similar to the claimed “operation apparatus”). User input is accepted from the user responsive to the interaction. Control and command information is sent from the first home



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device to the second home device in order to control the second device according to the user input. Furthermore, a device or "controlled apparatus" may modify the GUI display for the device which is presented to the user on the "control apparatus" or first device by graying out some buttons or icons, thereby inhibiting selection of various options based on prior selections of the remote and capabilities of devices (see Abstract, col. 8, lines 43-49 and col. 9, lines 50-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Ludtke et al reference where the "controlled apparatus" modifies the "icons" or GUI controls according to the "control apparatus" to further include the "controlled apparatus" modifying the icons or buttons according to the "operation apparatus" or remote information as disclosed by Humpleman et al. One of ordinary skill in the art would have been led to make such a modification since it would be beneficial to display the controls of the "controlled device" according to the "operation apparatus" or remote control information which is operated by the user for controlling the GUI or control panel operations.

As to claim 47, the claimed controlled apparatus is rejected based on similar arguments as described in claim 42 above.

As to claim 52, the claimed method for a controlled apparatus is rejected based on similar arguments as described in claim 42 above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoye whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoye  
April 26, 2004

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
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